IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY ,THE EIGHTEENTH DAY OF AUGUST TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

COMPANY APPLICATION NO. 1475 OF 2004

IN

COMPANY PETITION NO: 173 OF 2001

AND

IN THE MATTER OF M/S. MONARCH FINLEASE LTD (IN PROV. LIQN)

Between:

M/S Monarch Finlease Ltd (IN PROV. LIQN.), Rep. by the Official liquidator, High Court of Andhra Pradesh , Hyderabad.

.. Complainant

AND

1. SRI B.S. BHAT , Travel Lodge Suite, No. 2816, Portland Rd., Newsberg, Oregon State – 97132 United States of America
2. Sri Kunka Naganna, H.No. 28, Road No. 2, Arunodaya Colony, L.B. Nagar, Hyderabad
3. Smt.Kaveri Bhat, Travel Lodge Suit, No.2816, Portland Road, Newsberg, Oregon State - 97132,USA. (R 3 Impleded as per Court Order Dt.19-10-2010)

...RESPONDENTS

Company Application Under Sub-Section (5) & (5A) of Section 454 of the Companies'Act, 1956 praying that this Hon'ble Court may be pleased to

i) Summon the accused and punish them under sub-section (5) and (5A) of Section 454 of the Companies Act, 1956 for non-compliance of the requirements of Sub-sections (1), (2) and (3) of section 454 of the said Act,

ii) Order the costs of this application to be borne by the accused jointly and severally

This Company Application coming on for orders upon reading the Company Application and the affidavit dated 13-07-2004 filed by Sri Chandanamuthu, Official Liquidator in support of the Company application and upon hearing the

arguments of Sri J. Srinadha Reddy, Counsel for the Official Liquidator for the applicant / Complainant and of G.P. for Home on behalf of Respondents

The Court made the following: ORDER

The Judge's Summons under Sub – Section (5) and (5A) of Section 454 of the Companies Act, 1956 is taken out to summon the accused and punish for non – compliance of the requirements of sub-Section (1) , (2) and (3) of Section 454 of the Act.

Pursuant to the direction of this Court, the Official Liquidator has submitted a report dt. 30-06-2022.

By the said report, it is stated that on causing enquiries by deputing an Official at the addresses of the accused mentioned in the records of the Company, no details of Accused No.2 at the address mentioned could be found. Insofar as Accused Nos. 1 and 3 are concerned, they are stated to be residing in the United States of America.

Learned counsel appearing on behalf of the Official Liquidator has drawn the attention of this Court to an order passed by the High Court of Judicature at Bombay in a complain in Company Petition, whereby the said Court permitted the Company Prosecutor to serve Summons on accused in the Company Petition through the Ministry of Law and Justice, Department of Legal Affairs, New Delhi, and seeks for grant of similar direction in the present matter.

Having regard to the submissions made as above, and taking note of the procedure adopted by the High Court of Judicature at Bombay in

a Company matter, this Court is of the view that summons to accused Nos. 1 and 3, who are residing in the United States of America to be served on them through the Ministry of Law and Justice, Department of Legal Affairs, New Delhi. The summons are returnable by 29-09-2023.

The Official Liquidator is allowed to use the funds for effecting service of summons on accused Nos. 1 and 3 from out of the funds of the Company –in-Liquidator available with the Official Liquidator.

List on 29-09-2023.

Sd/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Ministry of Law and Justice , Department of Legal Affairs, New Delhi.
2) The Official Liquidator, Monarch Finlease Ltd (IN PROV. LIQN.), High Court at Hyderabad for the state of Telangana Office at 1st floor Corporate Bhawan, Nagole, Bandlaguda Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District Telangana State Pin Code 500 680.

3) The Registrar of Companies, Ministry of Corporate Affairs, Government of India 2nd floor Corporate Bhawan, Nagole, Bandlaguda, Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District, Telangana State Pin Code 500 680.

4) The Regional Director, South Eastern Region, Ministry of Corporate Affairs, 3rd floor Corporate Bhawan, Nagole, Bandlaguda, Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District Telangana State Pin Code 500 680.

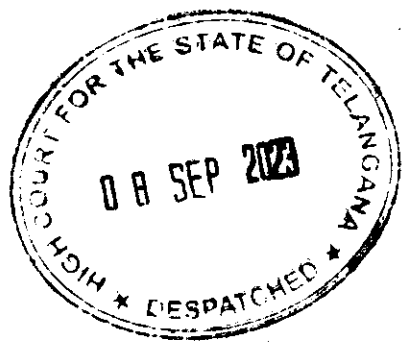
5) The S.O. O.S. Section , High Court for the State of Telangana at Hyderabad
6. Two CCS to G.P. for Home, High Court for the State of Telangana at Hyderabad

7) Two C.D.Copies

8) One CC to Sri J. Srinadh Reddy,Official Liquidator, High Court at Hyderabad.

HIGH COURT

DATED:18/08/2023



Note to O.S.

List on 29-09-2023

ORDER

COMPANY APPLICATION .No.1475 of 2004

in

COMPANY PETITION NO. 173 OF 2001

DIRECTION

11

04/9/2023